IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 4143 of 2005**

Between:

Sri Ramanjaneya Vyayama Kalasala (Regd.No.843/93), Visakhapatnam rep., by its Secretary, Y.Ramakrishna Rao, s/o Guru Moorthy, aged 53 years, r/o Lalitha Colony, Visakhapatnam.

**... PETITIONER**

AND

The Commissioner of Municipal Corporation, Visakhapatnam.

**...RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent in interfering with the petitioner society's peaceful possession and enjoyment of the house in D.No.29-6-3/1, in Division 17, Gollapalem, Lalitha Colony, Visakhapatnam as highly illegal, arbitrary and unjustified with a direction to the respondent not to interfere with the petitioner's society's peaceful possession and enjoyment of the house in D.No.29-6-3/1, Division 17, Gollapalem, Lalitha Colony, Visakhapanam without following the due process of law and pass such other or further order or orders as the hon'ble Court may deem fit and proper in the circumstances of the case.

**Counsel for the Petitioner: MR.M.V.S.SAI KUMAR**

**Counsel for the Respondent: MR.T.S.VENKATARAMANA**

**The Court at the stage of admission made the following:**

-

**ORDER:**

This writ petition is filed seeking a writ of Mandamus declaring the alleged action of the respondent-corporation, Visakhapatnam, in interfering with the possession of the petitioner-society in respect of the house bearing Door No.29-6-3/1, in Division 17, Gollapalem, Lalitha Colony, Visakhapatnam, as arbitrary and illegal.

It is stated that the premises in question is situated in the land which was donated to the petitioner-society by one Sri R.R.E.Bangara Raju on 24-03-1984 and since then the
petitioner-society has been in possession and enjoyment of the same. It is alleged that the respondent-corporation has been attempting to demolish the said premises without there being any justifiable reason. Hence, this writ petition, seeking the above relief.

Having heard the learned counsel for the petitioner and the learned standing counsel Sri T.S. Venkataramana, appearing for the respondent-corporation and keeping in view the specific plea of the petitioner that they have been in possession and enjoyment of the said premises from 1984 onwards and that the same is a private property, the writ petition is disposed of with a direction to the respondent-corporation not to interfere with the possession of the petitioner-society in respect of the premises in question, nor to demolish the same without following due process of law.

The Writ Petition is accordingly disposed of. No order as to costs.

_____

**G. ROHINI, J**

Dated: 03-03-2005

**Note: Furnish C.C. by Monday.**

**B/o.**

**LSK**

ASSISTANT REGISTRAR

To

1. Two C.D. copies.

2. The Commissioner, Municipal Corporation, Visakhapatnam.